

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: SOLOMON1R

In re Application of:)	Conf. No.:	3910
)		
Beka SOLOMON)	Art Unit:	1649
)		
Appln. No.: 09/441,140)	Examiner:	S. L. Turner
)		
Filed: November 16, 1999)	Washington,	D.C.
)		
For: PREVENTION OF PROTEIN)		
AGGREGATION)		
)		

DECLARATION OF ROGER L. BROWDY

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Amendments
401 Dulany Street
Alexandria, VA 22314

Sir:

I, the undersigned Roger L. Browdy, hereby declare and state as follows.

I am a member (equivalent to a partner) of Browdy and Neimark, P.L.L.C. (hereinafter Browdy and Neimark) and have been a member of Browdy and Neimark, or a partner of the predecessor partnership, since 1976.

In view of my position, I am ultimately one of the custodians of the records maintained at Browdy and Neimark.

I have reviewed the Browdy and Neimark file of the application that issued as patent 5,688,651. Among the

materials found in said file was the document submitted herewith as Exhibit O.

I have reviewed the declarations of Kenneth I. Kohn and Shulamit Hirsch, which on information and belief are being filed on even date herewith.

Exhibit O appears to me to be in the nature of a publication manuscript. Furthermore, I have noticed that each page has two fax headers thereon, presumably placed by the sending fax machines, which headers appear to indicate that the document was faxed from the Biotechnology Department to Ramot on November 16, 1994, commencing at the hour of 16:01, and was forwarded by Ramot elsewhere on the same date, commencing at the hour of 17:07. Accordingly, it is apparent to me that Exhibit O is the *Nature* manuscript referred to in the fax from Hananel Kvatinsky of Ramot to Dr. Kenneth Kohn, the cover page of which is, on information and belief, of record as Exhibits G (from Kohn's file) and N (from Ramot's file). Indeed, the fact that the manuscript begins as page 2 on the fax header is consistent with the cover sheet of Exhibit G, which shows that it was page 1 of a document faxed on November 16, 1994, at the hour of 17:07, i.e., at the same time as page 2 in Exhibit O.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements

In re of Appln. No. 09/441,140

made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

/rlb/

Roger L. Browdy